

### **REMARKS/ARGUMENTS**

Reexamination and reconsideration of this application as amended is requested. By this amendment, Claims 1 and 26 have been amended. After this amendment, Claims 1-36 remain pending in this application.

#### **Claims Rejection under 35 U.S.C. § 112, second paragraph**

(1-2) The Examiner rejected Claims 1 and 26, under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner indicated lack of antecedent basis for the term "the distance".

Applicants have amended Claims 1 and 26 to correct this minor antecedent basis formality, as indicated by the Examiner, and not for patentability or to further limit the claims in view of any prior art.

In view of the amendment to Claims 1 and 26 and the remarks above, Applicants believe that the rejection of Claims 1 and 26, under 35 U.S.C. § 112, second paragraph, as discussed above, has been overcome. Applicants request that the Examiner withdraw the rejection of Claims 1 and 26.

#### **Claim Rejections - 35 USC § 103**

(3-4) The Examiner rejected Claims 1-5, 7-10, 12-30, and 32-35, under 35 U.S.C. 103(a) as being unpatentable over Ingle et al. (U.S. Patent Publication 2002/0138524) in view of Chang et al. (U.S. Patent Publication 2003/0050923).

Submitted with this Response is a Declaration under 37 C.F.R. § 1.131, executed by the Applicants of the instant application, and associated evidence, to establish that the invention claimed in the instant application was reduced to writing in the United States prior to January 19, 2001. Thus, the invention claimed in the present application was invented prior to January 19, 2001.

The Ingle reference cited by the Examiner was filed in the U.S. Patent and Trademark Office on January 19, 2001, which is after the date of invention of the invention claimed in the instant application. Further, the Chang reference cited by the Examiner was filed in the U.S. Patent and Trademark Office on December 21, 2001, which is after the date of invention of the invention claimed in the instant application. Accordingly, the Ingle and Chang references are removed as available prior-art references and cannot be cited against the present application in a rejection under 35 U.S.C. § 103.

Therefore, it is respectfully submitted that the rejection of Claims 1-5, 7-10, 12-30, and 32-35, under 35 U.S.C. 103(a) should be withdrawn.

(5) The Examiner rejected Claims 6 and 31 under 35 U.S.C. 103(a) as being unpatentable over Ingle et al. (U.S. Patent Publication 2002/0138524) in view of Chang et al. (U.S. Patent Publication 2003/0050923) as was applied in the rejection of Claims 1-5, 7-10, 12-30, and 32-35, and further in view of Bull et al. (U.S. Patent Publication 2003/0187726).

As discussed above, the Ingle and Chang references are removed as available prior-art references and cannot be cited against the present application in a rejection under 35 U.S.C. § 103.

With respect to the Bull reference, the Examiner stated at the bottom of page 5 that the combination of Ingle/Chang fails to disclose: "wherein the query is received via an agent pushing relevant information to a user based on a user profile." The Bull reference

was cited as a combination with the Ingle and Chang references, as stated by the Examiner on page 6, lines 1-4, to add Bull's teaching of an information aggregation and synthesization system comprising an agent and a user profile.

However, it should be clear that the Bull reference does not teach or suggest the claimed invention as recited for the present independent claims, and for all dependent claims depending therefrom, respectively. Therefore, it is respectfully submitted that the rejection of claims 6 and 31 under 35 U.S.C. § 103(a) should be withdrawn.

#### **Allowable Subject Matter**

(6) Applicants wish to acknowledge and thank the Examiner for finding that Claims 11 and 36 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

#### **Conclusion**

The foregoing is submitted as full and complete response to the Official Action mailed 08/02/2004, and it is submitted that Claims 1-36 are in condition for allowance. Reconsideration of the rejection and reexamination is requested. Allowance of Claims 1-36 is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §§ 1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and the attorneys.

A petition for a one month extension of time to file this Response has been attached to this Response. The Commissioner is hereby authorized to charge the extension fee for response of (\$110), or if this fee amount is insufficient or incorrect, then the Commissioner is authorized to charge the appropriate fee amount to prevent this application from becoming abandoned, or credit any overpayment, to Deposit Account 50-1556.

**If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, or that in any way it would help expedite the prosecution of the patent application, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.**

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account 50-1556.

In view of the preceding discussion, it is submitted that the claims are in condition for allowance. Reconsideration and re-examination is requested.

Respectfully submitted,

Date: December 2, 2004

By: \_\_\_\_\_



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